

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Greg Giordano	Team: Team # 3	CCRB Case #: 200907345	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Tuesday, 05/12/2009 7:00 PM	Location of Incident: § 87(2)(b)	Precinct: 75	18 Mo. SOL 11/12/2010	EO SOL 11/12/2010	
Date/Time CV Reported Tue, 05/12/2009 7:59 PM	CV Reported At: CCRB	How CV Reported: Call Processing System	Date/Time Received at CCRB Tue, 05/12/2009 7:59 PM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. POM Daniel Barreto	29988	939904	075 PCT
2. POM Scott Just	12018	897760	075 PCT
3. An officer			075 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Daniel Barreto	Abuse: PO Daniel Barreto stopped § 87(2)(b) and § 87(2)(b)	§ 87(2)(b)
B.POM Scott Just	Abuse: PO Scott Just stopped § 87(2)(b) and § 87(2)(b)	§ 87(2)(b)
C.POM Daniel Barreto	Force: PO Daniel Barreto used physical force against § 87(2)(b) and § 87(2)(b)	§ 87(2)(b)
D.POM Scott Just	Force: PO Scott Just used physical force against § 87(2)(b) and § 87(2)(b)	§ 87(2)(b)
E.POM Scott Just	Abuse: PO Scott Just refused to provide his name and shield number to § 87(2)(b)	§ 87(2)(b)
F.POM Scott Just	Abuse: PO Scott Just threatened to arrest § 87(2)(b)	§ 87(2)(b)
G. An officer	Discourtesy: An officer spoke obscenely to § 87(2)(b)	§ 87(2)(b)

### Synopsis

On May 12, 2009, § 87(2)(b) filed this complaint with the CCRB via its Call Processing System. On May 12, 2009, at approximately 7:00 PM, two officers, who were driving an unmarked car, chased § 87(2)(b)'s brother, § 87(2)(b) and his friend, § 87(2)(b) into § 87(2)(b). The officers threw § 87(2)(b) and § 87(2)(b) against the wall and onto the floor before arresting them. This occurred outside § 87(2)(b)'s door and she asked the officers why they were being arrested. The officers told her that it was none of her business and were very rude and abrupt with her. § 87(2)(b) said she also became rude and defensive. § 87(2)(b) described PO 1 as a white male, tall, built, and with shield# 29988. She identified him as PO Barreto. PO 2 was described as a mixed race male, shorter than PO 1, built, and with shield# 12018. § 87(2)(b) asked PO 2 for his name but he refused to provide it, and threatened to arrest her for obstruction. Also, one of the officers told § 87(2)(b) to "shut the fuck up." A search of CTS revealed that the shield numbers provided by § 87(2)(b) belonged to PO Daniel Barreto and PO Scott Just, both assigned to the 75<sup>th</sup> Precinct, which is the precinct of occurrence. Also, the 75<sup>th</sup> precinct ARCS for the incident date showed that both officers were assigned to the Street Enforcement Narcotics Unit (SNEU). However, in a phone conversation with § 87(2)(b) on June 5, 2009, he was unable to identify which officer used profanity towards him. § 87(2)(g)

On June 1, 2009, § 87(2)(b) was contacted via telephone. § 87(2)(b) withdrew her complaint because she did not have the time and did not want to pursue it any longer. § 87(2)(b) indicated that no member of the CCRB or NYPD coerced her into making her decision and her decision was of her own volition. A withdrawal letter was sent to § 87(2)(b)'s home address and will be added to the case file upon its return to the CCRB. Assistant Supervising Investigator Sarah Hyde reviewed the withdrawal statement and confirmed it adhered to agency standards. On June 5, 2009, § 87(2)(b) contacted the CCRB and scheduled an interview for June 11, 2009. However, § 87(2)(b) failed to appear at the CCRB and did not call beforehand to cancel or reschedule. A missed appointment letter was mailed to his home address the following day. § 87(2)(b) contacted the CCRB on July 21, 2009, and scheduled another interview for July 24, 2009. On this day, § 87(2)(b) left a message an hour before his scheduled interview to say he could not make it. § 87(2)(b) also specified that he would call back later to reschedule. The undersigned investigator either spoke to § 87(2)(b) or left a message for him for a total of five times. Between June 2, 2009, and August 24, 2009, five attempts were made to contact § 87(2)(b). In four of the attempts, a message was left with a female family member. Both letters mailed to § 87(2)(b) address were returned to the CCRB marked "return to sender," although the address was confirmed over the telephone. However, as of the writing of this report, § 87(2)(b) and § 87(2)(b) have failed to contact the CCRB. A search of the Department of Corrections Website revealed that either individual is currently incarcerated.

§ 87(2)(g)

Investigator:

Date:

Supervisor:

Date:

Reviewed by:

Date:

Reviewed by:

Date: